

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
vs.) CRIMINAL ACTION 09-00184-KD
TRUONG L. LE,)
Defendant.)

ORDER

On August 25, 2010, Le appeared before the undersigned. However, Le's retained counsel, John Wayne Boone, failed to appear and has been removed from the case. Upon Le's establishing to the Court that he qualifies financially for appointment of counsel, the Court appointed Richard Alexander, a member of this Court's Criminal Justice Act Panel, to represent Le.

This action was heretofore scheduled for jury selection on Monday, August 30, 2010 and for trial during the September 2010 criminal trial term. However, new counsel will need additional time to confer with his client, review discovery, and adequately prepare for trial.

Therefore, the Court finds that Le will not be unduly prejudiced by a continuance to the next criminal trial term and that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A); see 18 U.S.C. § 3161(h)(7)(B)(iv) (requiring consideration of whether failure to grant a continuance would deny counsel for defendant "reasonable time necessary for effective preparation, taking into account the exercise of due diligence.") For purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) (excluding "[a]ny period of delay resulting from a continuance granted by any judge . . . if the judge granted

such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.").

Accordingly, defendant Le having filed a waiver of speedy trial (doc. 234), this action is **CONTINUED** to the **October 2010** trial term, commencing with jury selection on **October 4, 2010.**

The Clerk of the Court is directed to refer this matter to the appropriate Magistrate Judge to schedule a pre-trial conference.

DONE and **ORDERED** this August 26, 2010

s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE